

DISCUSSION OF THE AMENDMENT

Claim 1 has been amended by incorporating the subject matter of Claim 2 therein, except that R⁶ has been limited to R⁷-Ph-R⁸ for component (d1), and the proviso amended accordingly. Claim 2 has been canceled. Claim 7 has been amended to correct two typographical errors with regard to Component (d4), i.e., "propylene glycol" to --polypropylene glycol--, as supported by original Claim 2, and "10,000" to --1,000--, since original Claim 2 (from which original Claim 7 depended) recites a maximum molecular weight of 5,000. In addition, γ -butyrolactone and γ -caprolactone were recited twice in Claim 7; the claim has been amended to delete the second recitation.

Remaining amendments to the claims, and an amendment to the specification, have been made to be consistent with the amendment to Claim 1.

No new matter is believed to have been added by the above amendment. Claims 1, 4, 5, 7, 9-16 and 18-20 are now pending in the application.

REMARKS

The rejection of Claims 1, 2, 4, 5, 7, 9-16 and 18-20 under 35 U.S.C. § 103(a) as unpatentable over US 6,528,070 (Bratescu et al) in view of US 6,171,515 (Evans et al) and US 6,262,007 (Scialla et al), is respectfully traversed.

Bratescu et al discloses emulsions comprising an emulsification system comprising a mixture of at least one cationic surfactant, at least one anionic surfactant, at least one “bridging surfactant”, an oil and water, along with methods for preparing such emulsions, which emulsions are disclosed as useful in, for example, laundry compositions and multi-functional shampoos (Abstract). In one aspect of the invention, the stable emulsion comprises (a) from about 0.3% to about 15% by weight, based on the total weight of the emulsion, of an emulsification system comprising: i) from about 0.1% to about 8% by weight, based on the total weight of the emulsion, of a cationic surfactant; ii) from about 0.1% to about 8% by weight, based on the total weight of the emulsion, of an anionic surfactant; iii) from about 0.1% to about 8% by weight, based on the total weight of the emulsion, of a bridging surfactant; (b) from about 3% to about 70% by weight, based on the total weight of the emulsion, of an oil; and (c) from about 15% to about 97% by weight, based on the total weight of the emulsion, of water (column 4, lines 48-64). The anionic surfactant may be, *inter alia*, an alkyl sulfate or alkyl ether sulfate (column 9, line 1ff). The bridging surfactant is selected from the group consisting of amine oxides, ethoxamides and betaines, or mixture thereof (column 11, lines 1-5), and the oil is a silicon oil, mineral oil, cosmetic ester or petrolatum, or a mixture thereof (column 11, lines 6-9). As examples of silicon oils, “aminofunctional silicones” (column 24, line 51) are listed, although no formulae are disclosed therefor. Bratescu et al discloses further the use of suitable pH adjusting agents, such as citric acid and succinic acid (column 35, lines 65-66). The pH is disclosed as of secondary significance and is typically between about 2 and about 10, preferably between

about 5 and about 8 (column 36, lines 16-19). Bratescu et al discloses further the addition of optional solvents, with ethyl alcohol, propylene glycol, isopropanol, ethylene glycol monoethyl ether, diethylene glycol monoethyl ether, diethylene glycol monobutyl ether, etc., being particularly listed (column 30, lines 31-37).

Evans et al discloses a fiber treatment composition containing a particular silicone derivative, described as applicable to fibers during the making of the fibers, during making of fabric from the fibers, or later, such as during laundering the fabric (column 7, lines 55-57).

Scialla et al discloses self-thickened aqueous cleaning compositions comprising from 1 to 25% by weight of the total composition of an alkyl sulfate anionic surfactant derived from natural coconut oil, from 0.1% to 8% by weight of the total composition of ammonium salts and from 0.5% to 25% by weight of the total composition of a compound of the structure: $R_1-O-[(R_2O)_n(R_3O)_m]-R_4$, wherein R_1 is a C_{1-25} alkyl or alkenyl group; R_2 is a C_{2-4} aliphatic hydrocarbon chain; R_3 is a methyl or ethyl monosubstituted C_2-C_4 aliphatic hydrocarbon chain; R_4 is a C_{1-25} alkyl or alkenyl or carboxyl chain, or H; n is an integer of from 1 to 10; m is an integer of from 0 to 20; or mixtures thereof (paragraph bridging columns 1 and 2). Scialla et al discloses further that their compositions are acidic and have a pH of from 1 to 6, preferably 2.5 to 5, and that the pH can be adjusted by the addition of appropriate acidifiers, with citric acid, tartaric acid, maleic acid, succinic acid, and malonic acid, *inter alia*, being specifically listed (column 3, lines 45-57).

The Examiner finds that Bratescu et al does not disclose the specific amounts of carboxylic acids, specific silicone derivatives or a composition having the specific pH containing an anionic surfactant, a carboxylic acid, a silicone derivative, and the other requisite components of the composition in the specific amounts as recited by the present claims.

The Examiner holds that it would have been obvious to one of ordinary skill in the art to employ the specific silicone derivative of Evans et al and an acid pH adjusting agent such as succinic acid, as disclosed by Scialla et al, in the composition of Bratescu et al.

In reply, even if the above-applied prior art were combined by one of ordinary skill in the art, the result would not be the presently-claimed invention. None of the applied prior art discloses or suggests presently-recited Component (d). Among the Component (d), the compounds (d1) have been limited to aromatic compounds by specifying R⁶ as a group R⁷-Ph-R⁸-. Only aliphatic alcohols and glycols are disclosed by Bratescu et al.

Claim 20 is separately patentable, because the applied prior art together neither discloses nor suggests washing hair.

For all the above reasons, it is respectfully requested that this rejection be withdrawn.

The rejection of Claims 1, 4, 5, 9-11 and 15 under 35 U.S.C. § 103(a) as unpatentable over Scialla et al in view of Evans et al, is respectfully traversed. The disclosures of Scialla et al and Evans et al have been discussed above. The Examiner holds that it would have been obvious to employ the specific silicone derivative of Evans et al in the composition of Scialla et al.

In reply, all the present claims contain the limitations of Claim 2 (with additional limitations regarding compounds (d1)), not subject to this rejection. Accordingly, it is respectfully requested that this rejection be withdrawn.

Applicants respectfully call the Examiner's attention to the Information Disclosure Statement (IDS) filed January 29, 2009. The Examiner is respectfully requested to initial the Form PTO 1449 submitted therewith, and include a copy thereof with the next Office communication.

Application No. 10/522,620
Reply to Office Action of August 14, 2008

All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

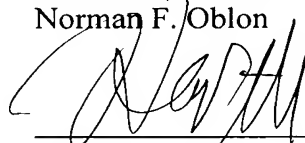
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